

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1726/P1dn
EVM:kjf:rs

March 25, 2009

ATTN: Elizabeth Novak

Please review the attached draft carefully to ensure that it is consistent with your intent. Note especially that I have provided the same penalty that applies to violations of s. 346.94 (19), stats. (off-road utility vehicles on roadway), to violations of the provision allowing highway operating privileges to persons operating snow removal devices. Also, please note my treatment of s. 346.02 (13), listing the sections of the rules of the road to which a snow removal device is subject. The list is based on ss. 346.02 (11) and (12), stats., but includes several alterations to create a more thorough list of statutes relevant to the operation of snow removal devices on roadways. I have also made a number of nonsubstantive changes which modernize the language of several of the statutes treated in this bill.

As an aside, there is no treatment of ch. 341 (vehicle registration), 342 (vehicle title), or 343 (operator licensing), stats., in this draft. Pursuant to s. 341.10 (6), stats., snow removal devices would not appear to be subject to vehicle registration requirements. Therefore, under 342.05 (1), stats., because these devices are not subject to registration, a certificate of title should not be required. However, because a snow removal device is defined as a type of motor vehicle, s. 343.05 (3) (a), stats., requires that the operator be licensed if the device is operated on a highway.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov